



DAC 8

RECEIVED

APR 28 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas J. McMurry et al.

Art Unit : 1616

Patent No. : 6,676,929

Examiner : Michael G. Hartley

Issue Date : January 13, 2004

Serial No. : 10/034,522

Filed : December 20, 2001

Title : DIAGNOSTIC IMAGING CONTRAST AGENTS WITH EXTENDED BLOOD RETENTION

Mail Stop Patent Extension

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed with this letter are the following documents:

1. Request for Reconsideration of Patent Term Adjustment with attachment (5 pages);
2. Our check in the amount of \$200.00; and
3. Post card.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

4/20/04

Teresa A. Lavoie

Teresa A. Lavoie, Ph.D.

Reg. No. 42,782

Fish & Richardson P.C., P.A.

60 South Sixth Street

Suite 3300

Minneapolis, MN 55402

Telephone: (612) 335-5070

Facsimile: (612) 288-9696

60210894.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 20, 2004

Date of Deposit

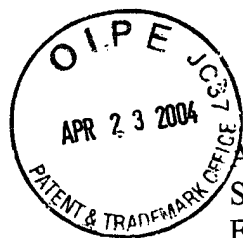
Angela J. Montgomery

Signature

Angela J. Montgomery

Typed or Printed Name of Person Signing Certificate

#14



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas J. McMurry et al.

Art Unit : 1616

Serial No. : 10/034,522

Examiner : M. Hartley

Filed : December 20, 2001

Title : DIAGNOSTIC IMAGING CONTRAST AGENTS WITH EXTENDED
BLOOD RETENTION

RECEIVED

APR 28 2004

Mail Stop Patent Extension

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Patentees hereby request that the Patent Term Adjustment for the above-identified U.S. patent be reconsidered. It is Patentees' belief that the Patent Term Adjustment on the issued patent (set at **114 days** as stated on the Patent cover sheet) is incorrect and that the Patent Term Adjustment to which the above-identified patent is entitled is **197 days**.

This request is not being submitted with or prior to payment of the issue fee or within thirty (30) days of the patent issue date. Patentees respectfully assert that 37 C.F.R. § 1.705, setting forth certain time periods for Requests for Reconsideration of Patent Term Adjustment, does not address the present situation. In particular, Patentees note that 37 C.F.R. § 1.705 sets forth two time periods for filing a Request for Reconsideration of Patent Term Adjustment:

1) when the applicant is requesting reconsideration of the patent term adjustment indicated in the notice of allowance. In this instance, the applicant must request reconsideration no later than the payment of the issue fee. See 37 C.F.R. § 1.705 (a)-(c); and

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 20, 2004

Date of Deposit

Angela J. Montgomery
Signature

Angela J. Montgomery

Typed or Printed Name of Person Signing Certificate

04/26/2004 SDIRETAE 00000005 6676929

01 FC:1455

200.00 OP

2) when the applicant is requesting reconsideration of the patent term adjustment because the patent was issued on a date other than the projected date of issue; see 37 C.F.R. § 1.705(d).

Patentees assert, therefore, that 37 C.F.R. § 1.705 is silent as to the time period for requesting reconsideration of patent term adjustment in the present situation (see below), wherein the Patent Term Adjustment time periods specified in the Notice of Allowance and Issue Notification differ. Accordingly, Applicants respectfully assert that because 37 C.F.R. § 1.705 is silent as to a time period for submission of a Request for Reconsideration of Patent Term Adjustment in this situation, this request is timely filed.

Under 37 CFR § 1.702 , the grounds for reconsideration of patent term adjustment include examination delays under the Patent Term Guarantee Act of 1999. Applicants assert that the United States Patent and Trademark Office, however, incorrectly subtracted 83 days, the time period from payment of the issue fee to patent issuance, from the 197 days indicated on the Notice of Allowance. Applicants believe that the U.S.P.T.O. incorrectly subtracted the 83 days because Applicants included “Comments on Examiner’s Reasons for Allowance” with payment of the Issue Fee. As can be seen from the attached “Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed,” such comments are not considered a failure “to engage in reasonable efforts” to conclude prosecution.

The relevant dates as specified in § 1.703(a) through (e) for which the adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled is as follows:

Application Filed	December 20, 2001
Notice of Allowance	September 12, 2003
Issue Fee Paid	October 23, 2003
Patent Grant	January 13, 2004

Adjustment (positive):

14/4/4/4

204 days

(between December 20, 2001 and September 12, 2003)*

3-year

No adjustment

Interference

No adjustment

Secrecy Order

No adjustment

Appeal

No adjustment

Patent Issuance No adjustment

*Periods overlap, total adjustment = **204 days**

Reductions: 7 days
(between April 30, 2002 and May 7, 2002)*

*Periods overlap, total reduction = **7 days**

Patent Term Adjustment: 204 days – 7 days = **197 days**

The above-identified patent is not subject to a terminal disclaimer.

It is understood that there were no circumstances within this case history that constitute a failure by the Patentees to engage in reasonable efforts to conclude processing or examination of the above-identified application as set forth in 37 CFR § 1.704.

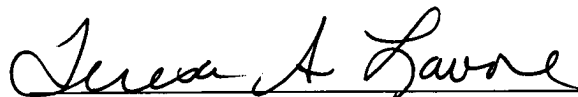
Based on the foregoing, Patentees request that the Patent Term Adjustment on this patent be adjusted to **197 days**.

Enclosed is a check in the amount of \$200 for the fee required under 37 CFR §1.18(e). Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney_docket no. 13498-005002.

Respectfully submitted,

Date: _____

4/20/04



Teresa A. Lavoie, Ph.D.
Reg. No. 42,782

Fish & Richardson P.C., P.A.
3300 Dain Rauscher Plaza
60 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696